

(E-Filed: September 10, 2009)
No. 01-504V

² A motion was filed on January 17, 2002, to amend the caption to reflect the fact that Patrick had reached the age of majority. The motion was granted by February 20, 2002 Order.

Compensation Program (the “Vaccine Program” or the “Act”).³ The petition sought compensation for injuries, specifically thrombocytopenia, allegedly related to petitioner’s receipt of the hepatitis B vaccine. A hearing on entitlement was held on July 29, 2008. Petitioner, his father, and the parties’ experts testified. On June 2, 2009, the undersigned issued a decision compensating petitioner pursuant to a stipulation agreement entered by the parties.

On September 9, 2009, petitioner’s counsel filed a Stipulation of Facts Concerning Attorneys’ Fees and Costs (Stipulation). The Stipulation reflects that petitioner’s counsel submitted a draft application for attorneys’ fees and costs to respondent on March 3, 2009. Stipulation at 1. On September 1, 2009, petitioner’s counsel submitted a supplemental application for attorney’s fees and costs for respondent’s consideration. See id. In informal discussions that followed these submissions, respondent raised objections to certain items in petitioner’s draft applications. Id. Based on the discussions and taking into consideration respondent’s objections, petitioner’s counsel has amended his fees and costs request. Respondent does not object to petitioner’s counsel’s amended request. Id. In addition, petitioner’s counsel represents that petitioner did not incur any out-of-pocket expenses pursuant to General Order #9. Id.

The Vaccine Act permits an award of reasonable attorneys’ fees and costs. 42 U.S.C. § 300 aa-15(e). Based on the reasonableness of petitioner’s amended request and on respondent’s counsel’s lack of objection to petitioner’s counsel’s amended fee request, the undersigned **GRANTS** the attorneys’ fees and costs as outlined in petitioner’s filing of September 9, 2009. Accordingly, the undersigned awards a total of \$61,400.00 in attorneys’ fees and costs in this matter as requested in the following amounts:

- a. An award of \$51,000.00 in attorneys’ fees and costs jointly payable to the firm of Rawls & McNelis, PC, and petitioner; and
- b. An award of \$10,400.00 in attorneys’ fees and costs jointly payable to the firm of Shoemaker & Associates, and petitioner.

Therefore, in the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in petitioner’s favor in the

³ The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C.A. § 300aa-10-§ 300aa-34 (2006) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

amount of \$61,400.00 in attorneys' fees and costs to be executed as described above.⁴ The judgment shall reflect that the Rawls & McNelis law firm may collect \$51,000.00 from petitioner. The Shoemaker & Associates law firm may collect \$10,400.00 from petitioner.

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith
Patricia E. Campbell-Smith
Special Master

⁴ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.